



FILE COPY

November 1, 2017

Orchard Village MHP, LLC
C/O Storz Management Company
9152 Greenback Lane
Orangevale CA 95662

**RE: TRANSMITTAL OF CITATION NO. DER-17CO-006 FOR ARSENIC MAXIMUM
CONTAMINANT LEVEL**

Ladies and Gentlemen:

The Orchard Village MHP, LLC Water System has ongoing violations of the Maximum Contamination Level (MCL) for arsenic, as specified in the Domestic Water Quality and Monitoring Regulation, Chapter 15, Title 22, California Code of Regulations. The Stanislaus County Department of Environmental Resources has issued Citation No. DER-17CO-006 in response to this violation. The citation is being transmitted to the Orchard Village MHP, LLC Water System under cover of this letter. Please respond to each item of the Directives by the deadlines established in the citation.

Any person who is aggrieved by a compliance order issued by the Stanislaus County Department of Environmental Resources may file a petition with the State Water Resources Control Board (State Water Board) for reconsideration of the compliance order. Petitions must be received by the State Water Board within 30 calendar days of the issuance of the compliance order. The date of issuance is the date when the Stanislaus County Department of Environmental Resources mails or serves a copy of the compliance order, whichever occurs first. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m. Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

Section 116650(d) and Section 116650(e) of the California Health and Safety Code allow for the assessment of a civil penalty for failure to comply with the requirements of Chapter 4 of the California Safe Drinking Water Act. Stanislaus County Ordinance provides that fees must be charged for staff time in responding to MCL violations. The fee charged is the Department's weighted labor rate of \$106.00 per hour, with a one-hour minimum. To date, 2.0 hours have been spent responding to the MCL violation. This Department will invoice you.

Orchard Village MHP, LLC
c/o Storz Management Company

November 1, 2017
DER-17CO-006

If you have any questions regarding this matter, please contact Rachel Riess at (209) 525-6720.

Sincerely,

Rachel Riess, REHS
Registered Environmental Health Specialist

RR:dlp

Enclosure (1)

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STANISLAUS COUNTY
DEPARTMENT OF ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL HEALTH

TO: Orchard Village Mobile Home Park
4920 Faith Home Road
Ceres CA 95307

Attn: Storz Management
Orchard Village Mobile Home Park

COMPLIANCE ORDER NO. DER-17CO-006
FOR
VIOLATION OF HEALTH AND SAFETY CODE SECTION 116555 (a) (1)
AND THE PRIMARY DRINKING WATER STANDARD FOR ARSENIC
WATER SYSTEM NO. 5000057
Issued on November 1, 2017

--oOo--

The Department of Environmental Resources (hereinafter "Department"), acting by and through its Division of Environmental Health (hereinafter "Division") and the Manager for the Division (hereinafter "Manager"), hereby issues this Compliance Order (hereinafter "Order") pursuant to Sections 116330 (f) and 116655 of the California Health and Safety Code (hereinafter "CHSC") to the Orchard Village Mobile Home Park Water System (hereinafter, "Orchard") for violation of the CHSC Section 116555(a)(1) and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64431.

APPLICABLE AUTHORITIES

Section 116555(a) (1) of the CHSC states in relevant part:

1 (a) Any person who owns a public water system shall ensure that the system
2 does all of the following:

3 (1) Complies with primary and secondary drinking water standards.

4 **Section 116655 of the CHSC states in relevant part:**

5 (a) Whenever the Department determines that any person has violated or is
6 violating this chapter, or any permit, regulation, or standard issued or adopted
7 pursuant to this chapter, the director may issue an Order doing any of the following:

8 (1) Directing compliance forthwith.

9 (2) Directing compliance in accordance with a time schedule set by the
10 department.

11 (3) Directing that appropriate preventive action be taken in the case of a
12 threatened violation.

13 (b) An Order issued pursuant to this section may include, but shall not be limited
14 to, any or all of the following requirements:

15 (1) That the existing plant, works, or system be repaired, altered, or added to.

16 (2) That purification or treatment works be installed.

17 (3) That the source of the water supply be changed.

18 (4) That no additional service connection be made to the system.

19 (5) That the water supply, the plant, or the system be monitored.

20 (6) That a report on the condition and operation of the plant, works, system, or
21 water supply be submitted to the Department.

22 **CCR, Title 22, Section 64431, states in relevant part:**

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Nitrate	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as nitrogen)	10.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.

CCR Title 22, Section 64432, states in relevant part:

(g) If the level of any inorganic chemical, except for nitrate, nitrite, nitrate plus nitrite, or perchlorate, exceeds the MCL, the water supplier shall do one of the following:

- (1) Inform the Department within 48 hours and monitor quarterly beginning in the next quarter after the exceedance occurred; or
- (2) Inform the Department within seven days from the receipt of the analysis and, as confirmation, collect one additional sample within 14 days from

1 receipt of the analysis. If the average of the two samples collected exceeds
2 the MCL, this information shall be reported to the Department within 48
3 hours and the water supplier shall monitor quarterly beginning in the next
4 quarter after the exceedance occurred.

5 (h) If the concentration of an inorganic chemical exceeds ten times the MCL,
6 within 48 hours of receipt of the result the water supplier shall notify the Department
7 and resample as confirmation. The water supplier shall notify the Department of the
8 result(s) of the confirmation sample(s) within 24 hours of receipt of the confirmation
9 result(s).

10 (1) If the average concentration of the original and confirmation sample(s) is
11 less than or equal to ten times the MCL, the water supplier shall monitor
12 quarterly beginning in the quarter following the quarter in which the
13 exceedance occurred.

14 (2) If the average concentration of the original and confirmation sample(s)
15 exceeds ten times the MCL, the water supplier shall, if directed by the
16 Department;

17 (A) Immediately discontinue use of the contaminated water source; and

18 (B) Not return the source to service without written approval from the
19 Department.

20 (i) Compliance with the MCLs shall be determined by a running annual
21 average; if any one sample would cause the annual average to exceed the MCL, the
22 system is immediately in violation. If a system takes more than one sample in a
23 quarter, the average of all the results for that quarter shall be used when calculating



1 the running annual average. If a system fails to complete four consecutive quarters of
2 monitoring, the running annual average shall be based on an average of the available
3 data.

4 STATEMENT OF FACTS

5 Orchard is operating under Water Supply Permit No. 2016-06-010, which was
6 issued on June 30, 2016.

7 The Orchard water system is located in Stanislaus County along Highway 99,
8 south of the city of Ceres in the unincorporated town of Keyes. Orchard service area
9 is approximately 8.45 acres in size.

10 The Orchard water system is classified as a community water system that
11 serves the residents of the mobile home park. According to the 2016 Annual Report
12 to the Division and Division records, Orchard serves approximately 75 people through
13 50 service connections. All service connections are un-metered. The water system
14 obtains its water supply from two active wells located on Orchard's property.

15 The West Well discharges to two 85-gallon pressure tanks, prior to entering the
16 domestic water system. The East Well discharges to two 225-gallon pressure tanks,
17 prior to entering the domestic water system. Fire suppression is provided by fire-
18 hydrants connected to a municipal supply from Keyes Community Service District.

19 Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary drinking
20 water standards and monitoring and reporting requirements for inorganic constituents.
21 Community water systems must comply with the maximum contaminant level for
22 arsenic of 0.010 mg/L, as established in Title 22 CCR Section 64431.

Samples collected in December 2016 showed arsenic concentrations over the MCL in water produced by the East Well (PS Code 5000057-001) and the West Well (PS Code 5000057-003) as noted in **Table 1** below. Therefore, in accordance with Section 64432 (g), Orchard was required to begin quarterly arsenic monitoring of each non-compliant well, unless it chose to submit an additional sample (which it did not do). Section 64432 (i) provides that compliance with the arsenic MCL is based on a "running annual average" (RAA) of the quarterly monitoring samples, computed each quarter. Furthermore, Section 64432 (i) states: "If any one sample would cause the annual average to exceed the MCL, the system is immediately in violation." A summary of the wells that produce water with arsenic above the MCL is presented in the table below. All results are as reported to the Division by the laboratory that performed the analysis.

Table 1: Arsenic Monitoring Results (in mg/L)

Sample Quarter	4th Quarter 2016	1st Quarter 2017	2nd Quarter 2017	3rd Quarter 2017	Running Annual Average
East Well	0.013	0.013	0.014	0.013	0.013
West Well	0.013	N/A	0.013	Invalid	0.013

Based on the arsenic results for 2016-17, it is highly likely that the East Well and West Well will exceed the arsenic MCL this year and be in violation of CHSC, Section 116555 and Section 64442.

DETERMINATION

Based on the above Statement of Facts, the Division has determined that the water system has violated the California Health and Safety Code, Section 116555 and Section 64431, Title 22, CCR, since the water produced by the East Well and West

1 Well during the 3rd quarter of 2017 exceeded the arsenic MCL, and continues to be in
2 violation through the date of this Order, as shown above in **Table 2**.

3 **DIRECTIVES**

4 The Orchard water system is hereby directed to take the following actions:

- 5 1. On or before December 1, 2017, submit a written response to the Division
6 indicating its agreement to comply with the directives of this Order and with the
7 Corrective Action Plan addressed herein.
- 8 2. Commencing on the date of service of this Order, provide quarterly public
9 notification, in accordance with **Enclosure No. 1**, of Orchard failure to meet the
10 arsenic MCL during any calendar quarter that RAA exceeds the MCL.
- 11 3. Commencing on the date of service of this Order, submit proof of each public
12 notification conducted in compliance with **Directive No. 2**, herein above, within
13 10 days following each such notification, using the form provided as **Enclosure**
14 **No. 2**.
- 15 4. Commencing on the date of service of this Order collect quarterly samples for
16 arsenic from each well, as required by Section 64432(g), and ensure that the
17 analytical results are reported to the Division electronically by the analyzing
18 laboratory no later than the 10th day following the month in which the analysis
19 was completed, but no later than the last business day of the month following
20 the close of the calendar quarter.
- 21 5. On or before February 1, 2018, provide to the Division in person at the
22 Division's office located at 3800 Cornucopia Way, Suite C, Modesto, CA
23 95358, a final Corrective Action Plan. The Corrective Action Plan shall include

1 a time schedule for completion of each of the phases of the project such as
2 construction, startup and a date when the water system will be in compliance
3 with the arsenic MCL.

4 6. Perform each and every element of the Division's approved Corrective Action
5 Plan according to its time schedule.

6 7. On or before January 10, 2018, and every three months thereafter, submit a
7 report to the Division using the form provided as **Enclosure No. 3** (enclosed)
8 showing actions taken to comply with the Order and Corrective Action Plan
9 during the previous three months.

10 8. On or before October 10, 2020, complete all of the improvements and/or
11 additions outline in Orchard Corrective Action Plan.

12 9. On or before October 10, 2021, Orchard water system shall return to
13 compliance with all requirements of the Safe Drinking Water Act.

14 10. No later than October 10, 2021, demonstrate to the Division that the water
15 delivered by the Orchard complies with the arsenic MCL.

16 11. Notify the Division in writing no later than five (5) days prior to the deadline for
17 performance of each **Directive**, set forth herein, if the Orchard anticipates it will
18 not timely meet such performance deadline.

19 All submittals required by this Order shall be addressed to:

20 Rachel Riess, REHS
21 Department of Environmental Resources
22 3800 Cornucopia Way, Suite C
23 Modesto, CA 95358

1 As used in this Order, the "date of issuance" shall be the date of this Order;
2 and the "date of service" shall be the date this Order was served, personally or by
3 certified mail, to Orchard.

4 The Division reserves the right to make modifications to this Order and/or to
5 issue further Order(s) as it may deem necessary to protect public health and safety.
6 Modifications may be issued as amendments to this Order and shall become effective
7 upon issuance.

8 Nothing in this Order relieves Orchard of its obligation to meet the
9 requirements of the California SDWA, or any regulation, standard, permit or Order
10 issued thereunder.

11 **PARTIES BOUND**

12 This Order shall apply to and be binding upon Orchard, its owners,
13 shareholders, officers, directors, agents, employees, contractors, successors, and
14 assignees.

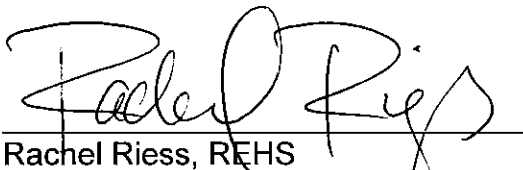
15 **SEVERABILITY**

16 The Directives of this Order are severable, and Orchard shall comply with each
17 and every provision hereof, notwithstanding the effectiveness of any other provision.

18 **FURTHER ENFORCEMENT ACTION**

19 The California SDWA authorizes the Department to: issue a Citation with
20 assessment of administrative penalties to a public water system for violation or
21 continued violation of the requirements of the California SDWA or any regulation,
22 permit, standard, Citation, or Order issued or adopted thereunder including, but not
23 limited to, failure to correct a violation identified in a Citation or Compliance Order.

1 The California SDWA also authorizes the Department to take action to suspend or
2 revoke a permit that has been issued to a public water system if the public water
3 system has violated applicable law or regulations or has failed to comply with an
4 Order of the Department; and to petition the superior court to take various
5 enforcement measures against a public water system that has failed to comply with
6 an Order of the Department. The Board does not waive any further enforcement
7 action by issuance of this Order.

8 
9 _____

10 Rachel Riess, REHS
11 Senior Environmental Health Specialist
12 Division of Environmental Health
13 Department of Environmental Resources
14 Stanislaus County

11-1-17

Date

15 Certified Mail No. 7012 3460 0002 9382 3037

16 Enclosures: (1) Public Notification Template w/ Instructions
17 (2) Proof of Public Notification Form
18 (3) Quarterly Progress Report

Instructions for Tier 2 Chemical or Radiological MCLs Notice Template

Template Attached

Since exceeding chemical or radiological maximum contaminant levels (MCLs) is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations Title 22, Chapter 15, Section 64463.4(b)]. **Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [64463(b)].**

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.4(c)(1)]	Mail or direct delivery ^(a)	Publication in a local newspaper
		Posting in conspicuous public places served by the water system or on the Internet ^(b)
		Delivery to community organizations
Non-Community Water System [64463.4(c)(2)]	Posting in conspicuous locations throughout the area served by the water system ^(b)	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting on the Internet or intranet ^(b)
		Direct delivery to each customer

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

Multilingual Requirement

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water

system and (2) include a telephone number or address where such individuals may contact the water system for assistance.

If any non-English-speaking group exceeds 1,000 persons served by the water system, but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system or assistance in the appropriate language.

Population Served

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

Corrective Action

In your notice, describe corrective actions you are taking. Do not use overly technical terminology when describing treatment methods. Listed below are some steps commonly taken by water systems with chemical or radiological violations. Use one or more of the following actions, if appropriate, or develop your own:

- "We are working with [local/state agency] to evaluate the water supply and researching options to correct the problem. These options may include treating the water to remove [contaminant] or connecting to [system]'s water supply."
- "We have stopped using the contaminated well. We have increased pumping from other wells, and we are investigating drilling a new well."
- "We will increase the frequency at which we test the water for [contaminant]."
- "We have since taken samples at this location and had them tested. They show that we meet the standards."

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the DDW within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the DDW sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a "problem corrected" notice when the violation is resolved.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

[System] Has Levels of [Contaminant] Above the Drinking Water Standard

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Water sample results received on [date] showed [name of contaminant] levels of [level and units]. This is above the standard, or maximum contaminant level (MCL), of [standard and units].

What should I do?

- **You do not need to use an alternative water supply (e.g., bottled water).**
- This is not an immediate risk. If it had been, you would have been notified immediately. However, [Insert relevant health effects language from section 64465 appendix].
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

[Describe corrective action]. We anticipate resolving the problem within [estimated time frame].

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by [system].

State Water System ID#: _____. Date distributed: _____.



DEPARTMENT OF ENVIRONMENTAL RESOURCES

3800 Cornucopia Way, Suite C, Modesto, CA 95358-9494
Phone: 209.525.6700 Fax: 209.525.6774

**Drinking Water Notification to Consumers
PROOF OF NOTIFICATION**

Name of System: _____

Please explain what caused the problem if determined and what steps have been taken to correct it.

Consumers Notified _____ Yes _____ No (if no explain)

Date of Notification: _____

On the date of notification set forth above, I served the above referenced document(s) on the consumers by:

_____ Sending a copy through the U.S. Mail, first class, postage prepaid, addressed to each of the resident(s) at the place where the property is situated, pursuant to the California Civil Code.

_____ Newspaper (if the problem has been corrected).

_____ Personally hand-delivering a copy to each of the consumers.

_____ Posting on a public bulletin board that will be seen by each of the consumers (for small non-community water systems with permission from the Environmental Resources Department)

_____ Other Approved Method: _____

I hereby declare the foregoing to be true and correct.

Dated: _____

Signature of Person Serving Notice

Notice: Complete this Proof of Notification and return it, along with a copy of the water user notification, to the Department of Environmental Resources, 3800 Cornucopia Way Suite C, Modesto, CA 95358, within **7 Days** after notifying water users.

Enclosure #2

Quarterly Progress Report

Water System:	Water System No.:
Compliance Order No.:	Violation:
Calendar Quarter:	Date Prepared:

This form should be prepared and signed by Water System personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to the Local Primacy Agency Office for Stanislaus County.

Summary of Compliance Plan:

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Tasks completed in the reporting quarter:

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Tasks remaining to complete:

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Anticipate compliance date:

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Name

--

Signature

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Title

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Date